

## **REMARKS**

### **I. Introduction**

In response to the Office Action, Applicants have amended 55, and added new claims 57-69 have been added. Support for the amendment to claim 55 can be found, for example, on page 41 of the specification. Support for new claims 57-62 can be found, for example, on pages 7 and 44 of the specification, and support for new claims 63-69 can be found, for example, in Figs. 5 and 6 and the corresponding descriptions thereof. No new matter has been added.

For the reasons set forth below, it is respectfully submitted that all pending claims are in condition for allowance.

### **II. The Rejection Of Claim 55 Under 35 U.S.C. § 112**

Claim 55 was rejected under 35 U.S.C. § 112, first paragraph. In response to the rejection, Applicants have amended claim 55 so as to recite that the phosphorus concentration is not less than 3.0 wt%, which is clearly supported by the originally filed specification. Accordingly, Applicants respectfully submit that the rejection has been overcome.

### **III. The Rejection Of Claims In View Of Prior Art**

Claims 39-54 and 56 were rejected under 35 U.S.C. § 102(e) as being anticipated by USP No. 6,255,685 to Kuroda. In addition, claim 55 was rejected under 35 U.S.C. § 103 as unpatentable over Kuroda in view of USP No. 4, 807,016 to Douglas. Applicants respectfully submit that Kuroda is not prior art to the instant

application for the following reasons.

Kuroda has an effective filing date of November 12, 1997 for purposes of being utilized as a prior art reference. However, the instant application has an effective filing date of February 4, 1997 based on the priority claim to JP 9-21127, which was filed on February 4, 1997. A certified translation of JP 9-21127 is being filed concurrently herewith in order to perfect the claim of priority. As the priority date of the instant application precedes the effective filing date of Kuroda, Kuroda does not constitute prior art to the instant application. Thus, as Kuroda is utilized in each of the pending rejections, it is respectfully submitted that all pending rejections have been overcome.

**IV. Request For Notice Of Allowance**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 8/17/04

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